

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PRIMITIVO ROBLES, on behalf of himself and
all others similarly situated,

Case No. 1:24-07658-MKV

Plaintiff,

March 5, 2025

v.

CAPRI HOLDINGS 2 LLC *d/b/a* BUDR
CANNABIS,

Defendant.

**DECLARATION OF REBEL INTERACTIVE GROUP, LLC IN SUPPORT OF
CAPRI HOLDINGS 2 LLC'S MOTION TO DISMISS**

I, Jennifer Tindall, declare under penalty of perjury that the foregoing is true and correct:

1. I am over the age of eighteen years, and I believe in the obligations of an oath. The facts stated herein are based on my personal knowledge.
2. I am the Corporate Counsel at Rebel Interactive Group, LLC d/b/a Rebellion Group.
3. I respectfully submit this declaration in support of Capri Holdings 2 LLC's motion to dismiss the action in the Southern District of New York captioned *Primitivo Robles v. Capri Holdings 2 LLC d/b/a Budr Cannabis*, Case No. 1:24-07658-MKV.
4. Rebellion Group was contracted by the entity d/b/a Budr Cannabis in October 2024 to conduct an accessibility audit of www.budrcannabis.com ("Website") to assess whether portions of the Website comply with the Web Content Accessibility Guidelines ("WCAG").
5. The audit did not include evaluation of any pages relating to shopping or product pages which are displayed through a third-party e-commerce platform, iheartjane.com.

6. The accessibility audit included a sampling of representative pages of the Website.

“Representative” pages are considered pages that use the same base template and components, and differ only in the specific written and visual content they contain.

Rebellion Group audited the representative pages below, with the intent that issues identified on those pages (other than the specific written and visual content) would be subject to remediation on corresponding “sister” pages:

- Home - <https://budrcannabis.com/>
- Locations - <https://budrcannabis.com/locations/>
- Locations/Danbury (One of the location pages) - <https://budrcannabis.com/location/danbury/>
- Learn/Flowers & Pre-Rolls - <https://budrcannabis.com/flower-pre-rolls/>
- About/Company Overview - <https://budrcannabis.com/company-overview/>
- News - <https://budrcannabis.com/news/>
- Loyalty Program - <https://budrcannabis.com/loyalty-program/>
- Contact Us - <https://budrcannabis.com/contact-us/>
- Search Page - <https://budrcannabis.com/?s=test>

7. Rebellion Group recommended items for remediation as a result of the audit.

8. Upon request of Budr Cannabis, Rebellion Group began remediating those items in November 2024. On March 4, 2025, Rebellion Group completed its remediation of all items identified in the audit. Remediation was to WCAG AA standards. Rebellion Group manually performed quality assurance testing on the remediated items on the representative pages (in addition to automated testing).

9. For automated testing, Rebellion Group used PowerMapper, the same tool identified in Plaintiff’s Amended Complaint, to re-test portions of the Website. A copy of that report is attached as **Exhibit A**. Automated testing tools are not always accurate. The report indicated two issues, one relating to the AAA standard (the highest accessibility standard, and unachievable for certain content), and one relating to the AA (the second highest

accessibility standard). The color issue relating under the AA standard, upon manual inspection, was an “false positive” by PowerMapper and required no remediation.



Jennifer Tindall

Executed on: March 5, 2025.

CERTIFICATION

I certify that a copy of the above was or will immediately be mailed or delivered electronically or non-electronically on March 5, 2025 to all counsel and self-represented parties of records and that written consent for electronic delivery was received from all counsel and all self-represented parties of record who were or will immediately be electronically served.

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